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Eric M. Zim, Esq.

April 19, 2021

VIA ECF

Honorable Paul A. Engelmayer, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, New York 10007

Re: Brito v. Lucky Seven Restaurant & Bar LLC, et al.
Docket No. 19-cv-3876 (PAE)(KHP)

Your Honor:

My firm represents Defendants, Lucky Seven Restaurant & Bar LLC, La Casa del Mofongo Inc., Felix Cabrera and Avi Dishi (collectively, "Defendants"), in the above referenced matter. I write jointly with Plaintiff's counsel, David Stein, Esq., to request an adjournment until May 12th to submit the Joint Pretrial Order ("JPTO"), which is currently due on April 21st per the Court's Order dated March 24, 2021 (the "Order"). The parties are working to prepare this submission and need a bit more time to complete same. Similarly, the parties request that the related deadlines in the Court's Order – motions in limine and opposition, proposed findings of fact, and final pretrial telephonic conference – be adjusted accordingly. This is the parties' first such request.

Also, I note in the Court's rules under "Additional Submissions in Non-Jury Cases" the following: "(The Court's practice is, at the pretrial conference held after the close of discovery, to determine, after consultation with counsel, which direct testimony to hear live and which to receive by means of affidavit.)." However, I don't believe that we had such a conference in our case at the close of discovery and note this to the Court for clarification of same.

We thank the Court for its time and attention to this matter and are available at Your Honor's convenience should the Court have any questions regarding the foregoing.

Respectfully submitted,

/s/ Eric M. Zim
Eric M. Zim

EMZ/mca
cc: David Stein, Esq. (via ECF)

Granted. The deadline to submit the Joint Pretrial Order and motions *in limine* is extended to May 12, 2021. Oppositions to motions *in limine* are due May 19, 2021. The final pretrial conference currently scheduled for May 7, 2021 at 2:00 p.m. is rescheduled for May 28, 2021 at 3:00 p.m.

For counsels' planning purposes, the Court's intention is to receive the direct testimony of party witnesses by declaration, rather than receiving the direct testimony of party witnesses live.

SO ORDERED.



PAUL A. ENGLMAYER
United States District Judge

April 20, 2021